

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1794**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshio AKIYAMA et al.

Group Art Unit: 1794

Application No.: 10/521,588

Examiner: M. JACOBSON

Filed: September 6, 2005

Docket No.: 122473

For: BLOW MOLDED ARTICLE

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the May 29, 2008 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-3 and 5-12 are pending.

The Office Action rejects claim 12 under 35 U.S.C. §112, second paragraph, asserting that the term "low compatibility" is indefinite. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the claim must be interpreted in light of the disclosure in the specification when ascertaining whether claim terms are indefinite.

Paragraph [0070] of the specification, for example, states that the resin material has a low compatibility with the outer layer 1a "thereby allowing to provide a laminated peelable container." Therefore, based on Applicants' disclosure, those skilled in the art, who have sufficient knowledge in the materials used to produce the blow molded article, would

appreciate the level of the compatibility that is sufficiently low to make the contacting layers peelable from each other. Therefore, based on the disclosure of Applicants' specification, one of ordinary skill in the art would understand the meaning of the term "low" as recited in claim 12. Thus, the term is not indefinite. As such, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §102(b) over U.S. Patent No. 3,663,522 to Butcher. This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, that a molded article includes at least three pinch-off lines caused by mold-pieces of a split bottom-mold, in a diverging manner from a center of a bottom face at said bottom portion, and that the pinch-off lines are formed within a circle which is concentric with said bottom face and which has a diameter equal to or less than $\pi D_p/n$, wherein π represents a circular constant, D_p represents an outer diameter of a parison, and n represents the number of the pinch-off lines.

The Office Action asserts on page 5 that the above equation is inherently taught by Butcher. In particular, the Office Action states "[s]ince the circumference of the parison was pinched off from two direction, the new maximum diameter of the parison produced would have a value of half of the circumference of the parison" and "[f]or n number of pinch off lines, the diameter of the pinched off parison would have a circumference equal to $1/n C_p$, which would therefore translate into $D_{new} = 1/n \pi D_p$." Applicants respectfully disagree with this unreasonable analysis of Butcher.

First, Applicants respectfully submit that pinching off the parison from two directions does not necessarily result in a half of the original circumference of the parison. That is, depending on various factors, such as the shape and/or length of the jaws, the material of the parison, and the forces applied to the parison by the jaws to pinch off, the diameter of the pinch-off lines would vary. The Office Action fails to show that the diameter of the pinched-

off parison must always becomes equal to or less than a half of the original diameter of the parison. Therefore, the Office Action fails to support the above conclusion.

In addition, even if the diameter of the pinch-off lines becomes a half of the diameter of the parison as alleged in the Office Action, the Office Action fails to show that the same would apply to three or more pinch-off lines. That is, the Office Action fails to show that the diameter of the pinched-off parison proportionally decreases depending on the number of the pinch-off lines. In particular, claim 1 recites that a molded article includes at least three pinch-off lines. The example discussed in the Office Action is of only two pinch-off lines. Therefore, the merely conclusive statement "[f]or n number of pinch off lines, the diameter of the pinched off parison would have a circumference equal to $1/nC_p$ which would therefore translate into $D_{new} = 1/n \pi D_p$ " is also incorrect.

As such, Applicants respectfully submits that Butcher does not teach or suggest the features of claim 1. Accordingly, claim 1 is patentable over Butcher.

Claims 2, 3 and 5 are allowable at least for their dependence on claim 1, as well as for the additional features they recite. Therefore, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 6-12 under 35 U.S.C. §103(a) over Butcher in view of U.S. Patent 6,546,133 to Schmidt et al. (hereinafter "Schmidt"). This rejection is respectfully traversed.

Schmidt does not overcome the deficiency of Butcher with respect to claim 1. Therefore, claims 6-12 are allowable at least for their dependence on claim 1, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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